

ORDINANCE NO. 95- 23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 85-19, AS AMENDED BY ORDINANCE 86-23, IMPOSING A SIX [6] CENT LOCAL OPTION GAS TAX UPON EVERY GALLON OF MOTOR FUEL AND SPECIAL FUEL SOLD IN PALM BEACH COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206 OF THE FLORIDA STATUTES; PROVIDING FOR A LEVY OF THE TAX EFFECTIVE FOR A PERIOD OF THIRTY [30] YEARS BEGINNING SEPTEMBER 1, 1995; PROVIDING FOR DISTRIBUTION PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE MUNICIPALITIES LOCATED THEREIN; PROVIDING FOR REPEAL OF THE LAWS IN CONFLICT, SEVERABILITY, AND INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Ordinance 85-19, the Board of County Commissioners imposed a four [4] cent local option gas tax on every gallon of motor fuel and special fuel sold in Palm Beach County; and

WHEREAS, by Ordinance 86-23, the Board amended Ordinance 85-19 to increase the levy to six [6] cents; and

WHEREAS, Ordinance 85-19, as amended by Ordinance 86-23, will expire on August 31, 1995; and

WHEREAS, the County has determined that it is in the public interest to reimpose the levy of the six [6] cent local option gas tax through August 31, 2025; and

WHEREAS, the Board now wishes to enact an ordinance providing for the reimposing of the tax.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Ordinance 85-19, as amended by Ordinance 86-23, is hereby amended as follows:

SECTION 1. This Ordinance is authorized by Section 336.025, Florida Statutes as created by Section 55 of Chapter 83-3, Laws of Florida and other applicable law.

SECTION 2. A six (6¢) cent local option gas tax is hereby re-imposed upon every gallon of motor fuel and special fuel sold in Palm Beach County and taxed under the provisions of chapter 206, Florida Statutes.

1 SECTION 3. The ~~additional two (2) cent~~ six (6¢) cent tax levy
2 hereby made shall be effective from ~~September 1, 1986 to August 31,~~
3 ~~1995,~~ September 1, 1995 to August 31, 2025, both inclusive.

4 SECTION 4. The proceeds of the tax levied by this Amendment
5 to Ordinance No. 85-19, as amended by Ordinance 86-23, shall be
6 divided and distributed by the Florida Department of Revenue as
7 provided in an interlocal agreement by and between Palm Beach
8 County and the municipalities located within said County. As
9 provided in said interlocal agreement, Palm Beach County shall
10 receive two-thirds (%) of the proceeds of said tax and the
11 municipalities shall collectively receive one-third (%) of the
12 proceeds of said tax. Each eligible municipality, as such ~~as~~ are
13 defined in §336.025, Florida Statutes, shall be entitled to receive
14 a share of the municipalities' share of the proceeds of said tax as
15 provided in Exhibit "A" of said interlocal agreement.

16 SECTION 5. This Ordinance was adopted on the 20th day of
17 June, 1995 on the affirmative vote of the majority of the
18 members of the Board of County Commissioners and shall become
19 effective ~~September 1, 1986.~~ September 1, 1995.

20 SECTION 6. The provisions of this Ordinance shall become and
21 be made a part of the Code of Laws and Ordinances of Palm Beach
22 County, Florida. The sections of this Ordinance may be renumbered
23 or relettered to accomplish such and the word "ordinance" may be
24 changed to "section", "article", or other appropriate word.

25 SECTION 7. If any section, paragraph, sentence, clause,
26 phrase or word of this Ordinance is found unconstitutional,
27 inoperative or void, such hold shall not affect the remainder of
28 this Ordinance.

29 SECTION 8. All local laws and ordinances applying to this
30 unincorporated area of Palm Beach County in conflict with any
31 provisions of this Ordinance are hereby repealed. Ordinance 85-19
32 and Ordinance 86-23 are ~~is~~ hereby amended.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
 2 Palm Beach County, Florida, on the 20th day of June, 1995.

3 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
 BOARD OF COUNTY COMMISSIONERS

4
 5 By: William S. Kelley
 6 Deputy Clerk

By: [Signature]
 Chair

7 APPROVED AS TO FORM AND
 8 LEGAL SUFFICIENCY

9 By: Maureen Cullen
 10 Assistant County Attorney

11 Acknowledgement by the Department of State of the State of
 12 Florida, on the 29th day of June, 1995.

13 Acknowledgement from the Department of State received on the
 14 6th day of July, 1995, at 10:25 A.M., and filed in the
 15 Office of the Clerk of the Board of County Commissioners of Palm
 16 Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, DOROTHY H. WILKEN, ex-officio Clerk of the
 Board of County Commissioners certify this to be a
 true and correct copy of the original filed in my office
 on 6/20/95
 DATED at West Palm Beach, FL on 7/10/95.
 DOROTHY H. WILKEN, Clerk
 By: Phyllis A. House D.C.